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FM AMEMBASSY COLOMBO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1101
INFO RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY
RUEHKA/AMEMBASSY DHAKA PRIORITY 2247
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 9269
RUEHKT/AMEMBASSY KATHMANDU PRIORITY 7524
RUEHLO/AMEMBASSY LONDON PRIORITY 5360
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 3682
RUEHNY/AMEMBASSY OSLO PRIORITY 5285
RUEHOT/AMEMBASSY OTTAWA PRIORITY 0146
RUEHSM/AMEMBASSY STOCKHOLM PRIORITY 0816
RUEHKO/AMEMBASSY TOKYO PRIORITY 4407
RUEHCG/AMCONSUL CHENNAI PRIORITY 9831
RUEHBFI/AMCONSUL MUMBAI PRIORITY 7120
RUEHON/AMCONSUL TORONTO PRIORITY 0141
RHEFDIA/DIA WASHINGTON DC PRIORITY
RUEHGVS/USMISSION GENEVA PRIORITY 3983
RHHMUNA/HQ USPACOM HONOLULU HI PRIORITY
RUEHBS/USEU BRUSSELS PRIORITY
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY

S E C R E T SECTION 01 OF 02 COLOMBO 000020

SIPDIS

DEPARTMENT FOR SCA/INSB

E.O. 12958: DECL: 01/08/2020

TAGS: PGOV PREL PREF PHUM PTER FAID MOPS CE
SUBJECT: JOURNALIST TISSAINAYAGAM RELEASED ON BAIL

REF: A. 09 COLOMBO 1176
IB. 09 COLOMBO 993
IC. 09 COLOMBO 855
ID. 09 COLOMBO 848
IE. 09 COLOMBO 333
IF. 09 COLOMBO 332
IG. 09 COLOMBO 281
IH. 09 COLOMBO 218
II. 09 COLOMBO 171
IJ. 09 COLOMBO 81
IK. 09 COLOMBO 54
IL. 09 COLOMBO 32

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IM. 09 COLOMBO 25
IN. 09 COLOMBO 18
IO. AND PREVIOUS

Classified By: CHARGE D'AFFAIRES VALERIE C. FOWLER. REASONS: 1.4 (B, D)

I1. (C) On January 11, Sri Lankan journalist Jayaprakash Sittampalam Tissainayagam -- who last August was convicted by a Sri Lankan high court under the Prevention of Terrorism Act (PTA) for publishing articles critical of the Sri Lankan Government's (GSL) war effort, conspiring with others to publish the articles, and accepting funding to support the publishing operation ("terrorist finance") -- was granted bail of 50,000 rupees (about 450 USD) and the surrendering of his passport. The bail hearing was held on the morning of January 11 but release could not take place until the proper paperwork was received at the Wellikada Prison. The Prison Commissioner told us he would do what he could to expedite the process but needed to receive the official court order via courier from the courthouse. At COB on January 11, the paperwork had not yet made its way to the prison. We expect Tissainayagam's release on January 12, and Embassy will seek a meeting with him as soon as possible.

I2. (C) A deputy solicitor general in the Office of the

Attorney General told us that despite surrendering the passport, Tissainayagam could make a "soft" application to go abroad at the advice of his physicians to consult a specialist. (NOTE: Tissainayagam suffers from an eye condition that could lead to detached retinas. This condition figured prominently in Tissainayagam's bail application. END NOTE.) Although released on bail, Tissainayagam remains subject to his 20-year prison sentence, which is on appeal. If the appeal were unsuccessful, Tissainayagam would have to begin serving the full length of the sentence minus the few weeks he served before the appeal was submitted.

¶13. (S) On another track, defense lawyers have submitted a letter from Tissainayagam to President Rajapaksa requesting a pardon. We understand that the president is considering the request.

COMMENT

¶14. (S) Release of Tissainayagam on bail is an important step in addressing this grave injustice and stain on Sri Lankan democracy. The charges against him were politically motivated and probably designed to scare other Sri Lankan journalists -- particularly Tamils -- into line. (He was the first Sri Lankan journalist tried and convicted under the draconian press provisions of the PTA.) Whether the president will take the next step and grant Tissainayagam a pardon is a decision probably heavily influenced by election calculations. Word on the street is that Tamils are all talking about the bail release but know Tissainayagam remains subject to the charges. Granting a pardon would not likely

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sway large numbers of Tamil voters, but in a race as potentially close as this one, even a few votes could be important. Embassy actively has encouraged the president to pardon Tissainayagam as an important step in national reconciliation and to re-build relations with the international community. We are guardedly optimistic that he may do so before the election on January 26.

FOWLER